

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

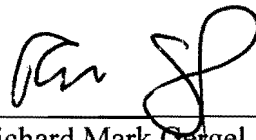
Joseph Linder,	)	
	)	
Plaintiff,	)	Civil Action No. 5:13-2238-RMG
	)	
vs.	)	
	)	
Carolyn W. Colvin, Commissioner of	)	<b>ORDER</b>
Social Security,	)	
	)	
Defendant.	)	
	)	
	)	

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This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB") and Supplemental Security Income ("SSI"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation on December 17, 2014 recommending that the decision of the Commissioner be reversed and remanded to the agency because the Administrative Law Judge ("ALJ") failed to (1) meet the requirements of SSR 96-7P in addressing the issue of Plaintiff's failure to pursue further medical treatment; (2) comply with the provisions of SSR 00-4P regarding whether there was a determination on the record of any conflicts between the testimony of the vocational expert and the DOT; and (3) consider the full record in determining Plaintiff's actual educational level. (Dkt. No. 21 at 16-23). The Commissioner has filed a response to the Magistrate Judge's Report and Recommendation indicating that she will file no objections. (Dkt. No. 23). The Court has

reviewed the Report and Recommendation and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', is written over a horizontal line.

Richard Mark Gergel  
United States District Judge

Charleston, South Carolina  
January 9, 2015